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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Commonwealth Human Rights Initiative, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Urgent call for action- Media Freedom, Expression, Assembly and Association in Cameroon

Overview

At the 38th Session of the United Nations Human Rights Council (HRC), the Commonwealth Human Rights Initiative (CHRI) wishes to raise serious concerns over the continued deterioration of human right of freedom of assembly and association in Cameroon and lays special emphasis on what it regards as visible and deliberate harm to freedom of media, expression, assembly and association in the country.

Cameroon has witnessed severe politicization of rights in recent years. With the unfolding 'Anglophone crisis' in parts of the country, protests and demonstrations have been met with use of violence from security forces, causing numerous deaths and losses. The government has used its power to suspend registered assembly of professionals and has used provisions of the anti-terrorism law against human rights defenders, other activists and critics. The criminal justice system has been repeatedly used to harass and silence the political opposition, detain and prosecute journalists, and intimidate human rights organisations. Marginalised groups including members of the LGBTI community also have concerns about safe assembly in public spaces. Reprisals against HRDs and civil society organisations under the premise of national security, and against human rights defenders promoting democracy and electoral rights have increased, especially in context of the Anglophone crises. We regard this as in violation of the Constitution of Cameroon, Universal Declaration of Human Rights (UDHR), and International Covenant on Civil and Political Rights (ICCPR).

Despite having accepted 125 out of the 177 recommendations received during its last UPR, Cameroon rejected recommendations pertaining to the respect of freedom of expression and assembly, including to "ensure a favourable climate for the activities of journalists, human rights defenders and other actors of civil society".1 This statement highlights our deep concerns with regard to the freedoms of assembly and association in Cameroon.

Anglophone Crisis

From the end of 2016, Cameroon has witnessed prolonged crisis with the Anglophone minority in the north-west and south-west regions. Lawyers, students, teachers and civil society groups belonging to the Anglophone community have protested against perceived marginalization and discrimination. Security forces have brutally dispersed demonstrators leading to deaths, injuries and unlawful arrests.

Freedom of assembly and association of the Anglophone community have been severely violated. Peaceful protesting lawyers have been illegally arrested and detained without due process. Further, authorities have suspended the functioning of lawyers' associations.

We note that:

- In **October 2016,** at least 20 people were killed when security forces responded to demonstrations in the Anglophone regions with live bullets and tear gas. At least 500 people were arrested in response to the protests.
- In **November 2016**, protests in Bamenda, Buea and Limbe regions were suppressed by a sharp crackdown with strong representation from the police, gendarme and forces from the Special Intervention Unit BIR. Lawyers were picked up from hotels and cars, intimidated and attacked and in some cases, were arrested and detained.2
- Government representatives of the Northwest and Southwest regions banned the **Northwest Lawyers' Association (NOWELA), Meme Lawyers Association (MELA) and suspended activities of Fako Lawyers'.**
- In **January 2017**, the government arrested two civil society leaders, **Barrister Nkongho Felix Agbor-Balla** and **Dr. Fontem Aforteka'a Neba** and banned their organisation, **Cameroon Anglophone Civil Society Consortium** (CACSC). They were released in August 2017 on orders of the central government.
- **In January 2017**, the **Southern Cameroons National Council (SCNC)**, an Anglophone party, was banned. The minister of territorial administration and decentralization stated that the purpose and activities of these

1https://www.upr-info.org/sites/default/files/document/cameroon/session_30_-_may_2018/fld_upr30_cmr_e_main.pdf

2 http://contranocendi.org/index.php/en/news/88-anglophone-cameroon-common-law-lawyers-protest/.

organizations **were contrary to the constitution and could jeopardize the security of the state, territorial integrity, national unity, and integration.3**

- In October 2017, a military court convicted **Aboubakar Siddiki**, a critic of the President and the head of the small Cameroon's Patriotic Salvation Movement, of attempting to incite a revolution and sentenced him to 25 years in prison, prompting condemnation from Amnesty International and others.

Restrictive Legislative Framework

- The Law No. 90/055 (of 19 December 1990) on public meetings and demonstrations in Cameroon provides a procedure of seven days **prior notification for demonstrations**. This law has been applied in a manner to effectively require meetings to be authorised by the government officials. Several meetings, including human rights-related press conferences, have been suspended by authorities on the grounds of threat to public order. The freedom of assembly for civil society in Cameroon is twisted as it has become increasingly difficult to obtain approval to organise public gatherings, especially after the December 2014 anti-terrorism law was adopted.
- Cameroon passed an **Anti-terrorism law**4 in 2014 which allows for Cameroonian citizens to be charged in military courts and face the death penalty for acts of terrorism. The definition of terrorism contained within the law includes acts as "disturbing the normal functioning of the public services" and the provision of essential services to the population, and creating a situation of crisis within the population.5 We regard the above as a serious threat to freedom of information and freedom of press especially as it has been used to target journalists.

Human Rights Defenders (HRDs)

HRDs in Cameroon are at risk of attacks and face reprisals in the form of arrests, detentions and criminal trials. Despite previous calls for action on the issue, the government has failed to prevent attacks and investigate such cases. We draw the Council's attention and that of the Cameroon Government to the following specific cases:

- Members of the organisation **Dynamique Citoyenne** have been continuously harassed through the judicial process since 2015. Mr. Jean Marc Bikoko, Ms. Bénédicte Jessie Bikoko, Ms. Agnès Adélaïde Metougou, Mr. Yves Léonardo Ndjalla Epangue, Mr. Sévérin Le Juste Bikoko, and Mr. François Fogno Fotso are facing charges of "illegal demonstration and rebellion" after taking part in a peaceful meeting on democracy and electoral rights on the international day of democracy. They remained in administrative detention for 15 days under the 2014 anti-terrorism law.6 After eighteen hearings, their trial has been postponed to June 27, 2018.7
- **Nasako Besingi**, an environmental rights defender was arbitrarily arrested in September 2017. He had been outspoken in his condemnation of the police violence used against protesters in the context of the Anglophone demonstrations. He has previously been charged with conducting unlawful assemblies, and organising and inciting protests, on account of advocacy against plantation on local land.8
- In May 2017, the NGO **Nouveaux Droits de l'Homme - Cameroun** (New Human Rights – Cameroon) was prevented from organising an activity to discuss the human rights situation in the country. In a written decision dated 23 May, the prefect of the Yaoundé 1 district held that "because of the threat of disruption of public order, the conference entitled 'Human rights and the fight against terrorism in Cameroon', scheduled from 2 pm to 6 pm, is prohibited from taking place".

Impact on related rights and services

- The African Declaration on Internet Rights and Freedoms characterizes internet shutdowns as a direct interference with the right to freedom of assembly and association.9 In 2017, the government restricted internet services in the Northwest and Southwest regions for more than 150 days, in response to Anglophone protests

3 https://www.state.gov/documents/organization/277223.pdf
4 http://www.assnat.cm/gestionLoisLegislatures/libraries/files_upload/uploads/Lois/2014-028fr.pdf
5 https://www.upr-info.org/sites/default/files/document/cameroon/session_30_-_may_2018/fld_upr30_cmr_e_main.pdf
6 https://www.upr-info.org/sites/default/files/document/cameroon/session_30_-_may_2018/fld_upr30_cmr_e_main.pdf
7 https://www.fidh.org/IMG/pdf/achpr_110418_written_intervention_obs.pdf
8 https://www.frontlinedefenders.org/en/case/case-history-nasako-besingi
9 http://africaninternetrights.org/articles/

against the dominance of French language in the country.10 Such shutdowns threaten freedom of expression, access to information and impact socio-economic growth.11

- By targeting Anglophone communities, the shutdowns in Cameroon also violates the government's responsibility to respect, protect, and fulfill the human rights of all of its citizens without discrimination of any kind, including on the basis of language, political opinion, and similar characteristics. When announcing that the internet shutdown had been lifted on April 20, President Biya neither justified nor apologized for the disruption; in fact, he threatened to interfere again. This shutdown represents an impermissible interference with freedom of expression, and should not be repeated.12

Recommendations

- Review and amend the 2014 anti-terrorism law that it is not used to restrict freedom of expression, assembly and association;
- Fully respect, protect and fulfil the rights to freedom of expression, association and of assembly, including by lifting restrictions on mobile and internet services unless provided for by law, and complying with international human rights law and standards on the use of force;
- Ensure the rights to freedom of expression, association and assembly for all, including journalists, human rights defenders and opposition party members;
- Respect the rights of peaceful assembly, and freedoms of association and expression, including when exercised online, and afford all of those detained all the rights enshrined in Cameroon's constitution and under international law;
- Lift unnecessary restrictions on the freedom of assembly, investigate the alleged excessive use of force in dispersing demonstrations and ensure arrested protestors receive fair trials;
- Ensure respect for the rights to freedom of expression, association and assembly for all, including journalists, human rights defenders, opposition party members, and take measures to create an enabling environment for the exercise of these rights ahead of the 2018 presidential elections.

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10 https://qz.com/1138529/cameroons-anglophone-ambazonia-region-has-had-internet-restriction-for-150-days-in-2017/

11 https://www.aljazeera.com/news/2018/01/cameroon-internet-shutdowns-cost-anglophones-millions-180123202824701.html

12 https://www.upr-info.org/sites/default/files/document/cameroon/session_30_-_may_2018/js7_upr30_cmr_e_main.pdf